

CR 1714

PATENT
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

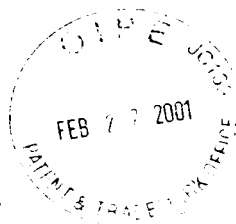
Appellants: MIGDAL et al.

Appl. No. : 09/203,894

Filed : December 2, 1998

For : LUBRICANT COMPOSITIONS COMPRISING MULTIPLE
ANTIOXIDANTS

Attorney Docket No. D-6361 (UNI018US)



Examiner: Hoke, V.

Art Unit: 1714

TECHNICAL SECTION 1700

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REPLY BRIEF

Commissioner for Patents
Washington, D.C. 20231

Sir:

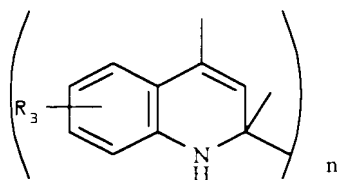
The above-identified Appellants submit this Reply Brief in triplicate pursuant to 37 C.F.R. § 1.193(b)(1). The Examiner's Answer to Appellants' Appeal Brief was dated January 8, 2001.

The Appellants rely upon the following authorities and arguments to maintain the appeal.

1. Summary of Invention

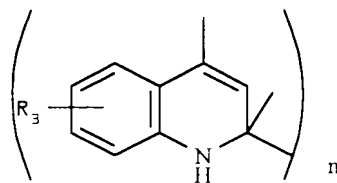
The application on appeal is directed to a composition comprising lubricating oil and at least a first antioxidant and a second antioxidant, the first antioxidant being a secondary diarylamine of the formula R_1-NH-R_2 where R_1 and R_2 each independently represent a substituted or unsubstituted aryl group having from 6 to 46 carbon atoms and the second antioxidant being a 2,2,4-trialkyl-1,2-dihydroquinoline or a polymer thereof of the structure:

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where $n=1-1000$ and R_3 is hydrogen, alkyl, or alkoxy.

The application on appeal is also directed to a method of increasing the oxidation stability of a lubricating oil comprising adding thereto at least a first antioxidant and a second antioxidant, the first antioxidant being a secondary diarylamine of the formula R_1-NH-R_2 where R_1 and R_2 each independently represent a substituted or unsubstituted aryl group having from 6 to 46 carbon atoms and the second antioxidant being a 2,2,4-trialkyl-1,2-dihydroquinoline or a polymer thereof of the structure:



where $n=1-1000$ and R_3 is hydrogen, alkyl, or alkoxy.

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2. Issue

Are claims 1-5, 7, 8, 10-19, 21, 22, and 24-28 obvious over Jones et al. (U.S. Patent No. 2,647,824) taken with Meier et al. (U.S. Patent No. 4,965,006), Evans (U.S. Patent No. 5,246,606), and Rasberger et al. (U.S. Patent No. 4,692,258) under 35 U.S.C. § 103(a)?

3. Reply to Examiner's Answer

A. Appellants' arguments present in their Appeal Brief are hereby reiterated and incorporated herein by reference.

B. In view of Appellants' statement in section 7 of the Appellants' Brief, "All the claims of the two rejected groups of claims stand or fall together", the Examiner's statement in paragraph (7) on page 2 of the Examiner's Answer:

"The rejection of claims 1-5, 7, 8, 10-19, 21, 22, and 24-28 stand or fall together because appellant's brief does not include a statement that this grouping of claims does not stand or fall together and reasons in support thereof"

appears to be unwarranted.

C. The Appellants' claimed invention is directed to a combination of compounds that is useful for increasing the oxidation stability of a lubricating oil. One of the components of the combination is a 2,2,4-trialkyl-1,2-dihydroquinoline or a polymer thereof. None of the art cited by the Examiner is directed to dihydroquinolines; all four of the cited references are directed to tetrahydroquinolines. The primary reference, Jones et al., and the supporting reference, Meier et al., make no mention of dihydroquinolines at all. The other two references, Evans and Rasberger et al., do mention dihydroquinolines in their discussion of the prior art, but the thrust of these patents, read in their entirety, is that dihydroquinolines and

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tetrahydroquinolines are not equivalent as those skilled in the art might expect. Appellants agree with this. It is their position that the dihydroquinolines of the claims on appeal are not equivalent to the tetrahydroquinolines of the cited art and, thus, their invention, as defined by those claims, is not obvious in view thereof.

4. Conclusion

The Examiner's cited references fail to disclose or make obvious the composition and process claimed by the Appellants. The rejection should be reversed.

Favorable consideration of the application is respectfully requested.

Respectfully submitted,

27 Feb 2001
Date

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